

Amendments to the Drawings

Applicants request to amend the drawings currently pending in the Application by substituting the ten (10) (replacement) drawing sheets enclosed herewith, containing Figures 1-10, for the drawing sheets currently pending.

These new formal drawings are identical to the pending drawings in all respects except that non-English labels have been replaced with English labels and the line quality and object shading has been made more clear. Also Figures 4, 6, and 7 have been re-labeled as Figures 4a, 4b, 4c, 6a, 6b, 6c, 7a, and 7b. No new matter will be added as a result of this substitution.

Permission to amend the drawings by substitution is respectfully requested.

REMARKS

Claims 1-12 have been amended herein. Claim 17 has been added. Claims 1-17 are now pending in the Application. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested. Support for the amendments is found in the original claims, Specification and Drawings.

Allowable Claims

The indication that claims 3-16 recite allowable subject matter is greatly appreciated. New claim 17 has been added which recites subject matter corresponding to claim 3, but does not use the phrase “means for”. New claim 17 should be allowable for at least the same reasons as claim 3.

Amendments to Abstract/Drawings/Specification

The Abstract, Drawings, and Specification have been amended herein to correct the issues pointed out in the Action. No new matter has been added.

Rejections Pursuant To 35 U.S.C. § 112

In the Action, claims 1-16 were rejected pursuant to 35 U.S.C. § 112, second paragraph for various grammatical and idiomatic errors.

Claims 1-12 have been amended herein to enhance clarity, correct grammatical errors, provide consistent names for recited elements, provide proper antecedent basis for elements, and provide cooperative relationships between elements.

The clarifying amendments presented herein do not narrow the scope of the claims. It is respectfully submitted that all of the pending claims are sufficiently definite and that the rejections pursuant to 35 U.S.C. § 112 should be withdrawn.

The Pending Claims Are Not Anticipated by the Applied Art

Claims 1-2 appear to have been rejected under 35 U.S.C. § 102(b) as being anticipated by Sjodin, U.S. Patent No. 6,791,683.

These rejections are respectfully traversed.

Claim 1

Claim 1 is directed to a method. Claim 1 has been further amended to overcome 35 U.S.C. § 112, clarity issues. In this regard the phrase “loading device” has been replaced with “portioned sampling unit” to be consistent with the wording in the Specification and other claims. In addition, the registering step has been amended to clarify that the registering of spectroscopic properties of the sample in standstill is across the different areas of the horizontal section.

Sjodin does not disclose or suggest both a portioned sampling unit that alternately fills the different areas of a horizontal section of the measurement zone followed by registering spectroscopic properties of a sample across the different areas of a horizontal section.

The Action references Figure 8 of Sjodin with respect to claim 1. Figure 8 shows a sample holder (100) in the form of a brush wheel (102). Although the brush wheel has multiple sectors (116), only one sector is analyzed at a time, when it has moved to position (112) (Column 13, lines 48-51). Thus the sample holder (100) of Sjodin does not correspond to the recited

measurement zone, because Sjodin does not disclose or suggest registering spectrographic properties of samples across its multiple sectors (116).

Sjodin does not disclose or suggest each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the objection. Hence, Applicants' claim 1 patentably distinguishes over the Sjodin reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome. It follows that claim 2 which depends from claim 1 is likewise allowable.

Conclusion

The Indication of allowable subject matter in claims 3-16 is greatly appreciated. The claims have been amended to remove the 35 U.S.C. § 112, second paragraph rejections. Thus at least claims 3-16 and new claim 17 should now be in condition for allowance. Further, claims 1-2 recite subject matter not found in the applied art. Reconsideration and allowance of all of the claims is respectfully requested. The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,

/Christopher L. Parmelee/

Christopher L. Parmelee Reg. No. 42,980
231 South Broadway
Medina, Ohio 44256
(330) 721-0000